

REMARKS

This case is in condition for allowance.

Amended claims 1 and 18 made explicit what was implicit. The rejection should be withdrawn.

New claims 20-24 find basis in the specification and are deemed allowable. Attention is directed to the specification at page 4.

The present invention relates to a sugar-free hard coating prepared from a liquid syrup comprising a mixture of sorbitol and erythritol.

The Declaration and Figures submitted with our response of 23 September 2002 clearly demonstrated that the product of the current invention cannot be obtained by the process disclosed by Rosenplenter.

The hard coating prepared according to the method of Rosenplenter is heterogeneous and has large erythritol crystals randomly within the sorbitol matrix.

The product obtained by the process of Rosenplenter is also different in at least two major features:

- adhesion to the core
- distribution of erythritol crystals in sorbitol matrix

By making a scanning electron microscope picture both mentioned features are easily detectable and it is clear that the Rosenplenter products are different.

None of the cited references has shown the existence of Applicants' a product and good adhesion and/or the at least essentially homogeneous coating cannot be considered as inherent properties as demonstrated by the Rule 132 Declaration of record. The figures enclosed with the Declaration clearly have demonstrated the difference and as such the current invention has to be considered as being patentable.

Upon allowance, the Examiner authorized to cancel non-elected claims without prejudice to filing a divisional application

Respectfully submitted,

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